IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

Bail Appl..No. 7370 of 2007()

CRIME NO.779/2007 OF NILESHWAR POLICE STATION

: PETITIONERS/ACCUSED 1 TO 5

---

1. SUNIL.M., AGED 19 YEARS,
   S/O KUMARAN, MALAPPIL HOUSE,
   PURATHEKAI, THAIKKADAPPURAM,
   NILESHWAR.

2. GIRISH A.K., AGED 21 YEARS,
   S/O P.RAJU, THALAKKATH HOUSE,
   PURATHEKAI, THAIKKADAPPURAM.

3. SREEJITH, AGED 21 YEARS,
   S/O MOHANAN, PURATHEKAI,
   THAIKKADAPURAM, NILESHWAR.

4. VIJITH.M., AGED 19 YEARS,
   S/O THANKAMANI, PURATHEKAI,
   THAIKKADAPPURAM, NILESHWAR.

5. VINEETH.K., AGED 19 YEARS,
   S/O VIJAYAN, MALLAKKARA HOUSE,
   PURATHEKAI, THAIKKADAPPURAM,
   NILESHWAR.

BY ADV. SMT.T.SUDHAMANI

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7370 of 2007

Dated this the 30th day of November 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 to 5. Named accused 1 to 5 along with some others were allegedly members of an unlawful assembly. They, it is alleged, had attacked persons who were plucking coconuts from the property belonging to a mosque. It was a day of Harthal and it is alleged that the attack was because of opposition to activities going on a Harthal day - plucking coconuts. Allegedly, dangerous weapons - sticks were used in the commission of the offence. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the allegations are totally false and vexatious. The allegation under Section 308 I.P.C has been included with the transparent intention of vexing and harassing the petitioners and to ensure that the petitioners remain in custody for as long a period as possible. The very allegation is that the insignificant sticks were used for the commission of offence. The nature of injuries also

do not reveal any serious intention to commit any major offence. In any view of the matter, the petitioners may be granted anticipatory bail, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the application. The averments in the F.I.S have been read over to me. I have been taken through the nature of injuries suffered by the alleged victim. I am satisfied that anticipatory bail can be granted to the petitioners. In the absence of opposition, it is not necessary to advert to facts in any greater detail.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 07/12/2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m

and 3 p.m on 08/12/2007 and 09/12/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 07/12/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 07/12/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007